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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,420	11/03/2003	Yao-Chung Chen	3079/195	2831

7590 02/28/2006
DENNISON, SCHULTZ & DOUGHERTY
612 CRYSTAL SQUARE 4
1745 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202

EXAMINER

LAUX, JESSICA L

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/698,420	Applicant(s) CHEN ET AL.	
	Examiner Jessica Laux	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 4-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

Claims 1-10 provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-10 of copending Application No. 10/834859. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Specification

The disclosure is objected to because of the following informalities: Page 7, line 4 refers to a line outlet "4" in Figures 4 and 5, however the Figures 4 and 5 do not show element 4. The examiner interprets the line outlet to be element 14.

Appropriate correction is required.

Claim Objections

Claims 4, 5, and 11 are objected to because of the following informalities:

Claim 4 recites the limitation "Said central crossed member" in lines 23. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "said central crossed member" in 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "said peripheral folded flanks" in 15. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 - 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ducroux et al. (RE 35369) in view of Kugler (6363685).

In regards to claim 1: Ducroux et al. teaches a raised access floor structure for networks, said structure comprises: a plurality of floor units (4), each of said floor units has four peripheral edges folded down to form folded flanks (9); a plurality of supporting

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seats (3), each of said supporting seat is located beneath the center of four mutually neighboring ones of said floor units to support the latter (Figure 3); said structure is characterized by that: each of said supporting seats is composed of a crossed member (7) and four pedestals (6) integrally connecting therewith; said crossed member is located lower than tops of said pedestals (see Figure 2). The floor panels are clung evenly on said tops of the corresponding ones of said pedestals. Ducroux et al. does not teach a separating piece between two pedestals. Kugler teaches a raised floor system that has between every two neighboring floor panels at least a separating piece (14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the structure of Ducroux et al. to have separating pieces as taught by Kugler as the separating pieces aid in aligning the floor panels during installation. And the floor panels would be separated mutually to have their positions limited by said separating pieces after said folded flanks of said floor units are received in said crossed member.

In regards to claim 2: The raised access floor structure for networks as in claim 1 above, wherein said supporting seats are integrally made of plastic material (Ducroux et al- Col. 3, lines 11-13).

In regards to claim 3: The raised access floor structure for networks as in claim 1 above, wherein middle sections of said separating pieces are interrupted (Kugler- Figure 1).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ducroux et al. (RE35369) in view of Kugler (6363685) as applied to claim 1 above, and further in view of Schilham (5713168).

In regards to claim 10: Ducroux et al. in view of Kugler teaches the structure of claim 1 above, but does not teach an arciform notches on a peripheral edge. Schilham teaches a raised panel flooring wherein each of said floor units has on one peripheral edge thereof an arciform notch (18), so that when two of said arciform notches of two of said floor units are juxtaposed with each other, a line outlet is formed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the structure as taught in claim 1 above to have arciform notches so that an opening for better access is made.

Allowable Subject Matter

Claims 4-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 4905437, 6370831, 5675950, 5052157.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Laux whose telephone number is 571-272-8228. The examiner can normally be reached on Monday thru Friday, 8:30am to 4:00pm (est).

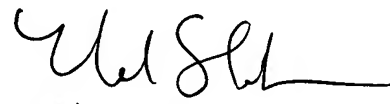
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JL
02/09/2006



Naoko Slack
Primary Examiner